

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 KEITH LAMONT SIMS,

14 Defendant.

CASE NO. CR05-0182-JCC-2

ORDER

15 This matter comes before the Court on Defendant's motion for early termination of
16 supervised release (Dkt. No. 305). Having thoroughly considered the parties' briefing and the
17 relevant record, the Court finds oral argument unnecessary and hereby DENIES the motion for
18 the reasons explained herein.

19 In 2005, Defendant pleaded guilty to Conspiracy to Defraud the United States; he was
20 later sentenced to 60 months of confinement and three years of supervised release. (Dkt. Nos. 30,
21 182, 223.) Defendant now moves for early termination of his supervised release. (Dkt. No. 305.)
22 In support, he cites his recent compliance with the conditions of his supervised release, his age,
23 his stable employment, and a stable personal relationship. (*Id.* at 1–3.) The Government and the
24 Probation Office oppose, citing Defendant's poor performance on supervised release throughout
25 much of the period since his initial release. (Dkt. No. 306 at 1.)

26 The Court may terminate a term of supervised release after the completion of one year "if

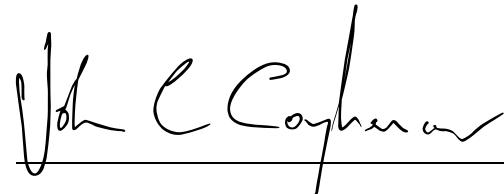
1 it is satisfied that such action is warranted by the conduct of the defendant released and the
2 interest of justice.” 18 U.S.C. § 3583(e)(1). In deciding whether early termination is appropriate,
3 the Court must consider several factors, including the nature and circumstances of the offense,
4 the history and characteristics of the defendant, the need to deter criminal conduct, the need to
5 protect the public from further crimes, the need to provide the defendant with correctional
6 treatment in the most effective manner, and the need to avoid disparity among similarly situated
7 defendants. 18 U.S.C. § 3583(e) (citing to factors listed by 18 U.S.C. § 3553(a)); *United States v.*
8 *Emmett*, 749 F.3d 817, 820 (9th Cir. 2014).

9 The Court has considered the § 3553(a) factors and concludes that early termination of
10 supervised release is not warranted. Defendant’s criminal record prior to the crime for which he
11 was sentenced is lengthy. (See Dkt. No. 157.) And his post-sentence conduct is equally
12 concerning. Defendant has violated the conditions of his supervised released on numerous
13 occasions. (See Dkt. Nos. 281, 296, 303.) In some instances, this included serious crimes
14 resulting in additional lengthy sentences. Maintaining Defendant’s supervised release period will
15 ensure the safety of the community, at least within the limits of the Court’s statutory authority.

16 Therefore, the Court finds that Defendant’s conduct since his release does not warrant
17 early termination and that, in consideration of the 18 U.S.C. § 3553(a) factors, early termination
18 is not in the interests of justice. For the foregoing reasons, Defendant’s motion for early
19 termination of supervised release (Dkt. No. 305) is DENIED.

20 DATED this 19th day of December 2022.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE